

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BENJAMIN RAMEY, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

THE PENNSYLVANIA STATE
UNIVERSITY,

Defendant.

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Civil Action No. 2:20-cv-753

MEMORANDUM ORDER

Presently pending before the Court is a Motion for Leave to File Supplemental Briefs Regarding Defendant's Motion to Dismiss filed on behalf of Plaintiffs (ECF No. 34), to which Defendant objects (ECF No. 35). Defendant proposes that, in the alternative to denial of said motion, it be afforded an opportunity to submit a response thereto. To date, because of the steady issuance of opinions from various courts deciding COVID-based tuition and fee class action claims against universities, there have been four Notices of Supplemental Authority filed in this action (ECF Nos. 24, 27, 29 and 33); Defendant has been afforded an opportunity to respond to three said Notices. (ECF Nos 26, 28, and 30).

In the interest of justice and judicial efficiency, and in order to streamline the Court's consideration of the matter before us, the following Order is entered.

AND NOW, this 30th day of April, 2021, Defendant's Motion to Dismiss is hereby DISMISSED without prejudice. Defendant may file a Motion to Dismiss on or before **May 14, 2021**. Plaintiffs' Response shall be filed on or before **May 28, 2021**, and Defendant shall file a Reply on or before **June 4, 2021**. No further briefing will be accepted absent good cause shown.

IT IS FURTHER ORDERED that Oral argument on a motion filed pursuant to this order shall be held on **June 23, 2021 at 9:30**. Each side will be afforded fifteen minutes of argument and five minutes of rebuttal.

IT IS FURTHER ORDERED that on or before **June 9, 2021**, the parties shall file a Joint Status Report indicating their respective positions as to whether said oral argument should be held in-person or via videoconference.

IT IS FURTHER ORDERED THAT Plaintiff's Motion for Leave to File Supplemental Briefs (ECF No. 34) is DENIED AS MOOT.

s/Robert J. Colville
Robert J. Colville
United States District Judge

cc: All counsel of record via CM-ECF